

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of the)	
)	
Rules and Regulations Implementing)	
)	CG Docket No. 02-278
the Telephone Consumer Protection)	
)	
Act of 1991)	

**Joe Shields Comments on the Revised Exemption Proposal of the Cargo Airline
Association**

The Cargo Airline Association (hereinafter “CAA”) original petition and their exemption proposal to exempt a group of automatically dialed calls from the requirement of prior express consent of the called party forebode dire consequences for wireless subscribers. If the Commission allows the exemption then others will jump on the bandwagon and want their automatically dialed calls exempted as well. The CAA is asking the Commission to create an exemption for all automatically dialed calls where the call recipient is not charged for the call. Such a proposal ignores entirely the invasion of privacy that occurs when an automatically dialed call is made without the called party’s prior express consent.

But then stark reality makes the issue moot. I can from personal experience attest that delivery companies are complying with the TCPA requirement of prior express consent of the called party. Attachment #1 is an email I received from a major computer manufacturer which clearly provides me with an option of opting in to receive “text tracking alerts”. Attachment #2 is even more enlightening in that Fedex offers package recipients a mobile application to track and modify delivery options.

Given that package delivery companies have been and are getting prior express consent from the called party that makes one wonder what the real reason is for the CAA proposed exemption. As previously stated the exemption that CAA is asking for is a blanket exemption from prior express consent of the called party for all automatically dialed calls to cell numbers where the called party is not charged for the call.

I offer up to the Commission CAA's proposal #6 – why is it that opt in is considered the embodiment of evil to company's like the CAA and PACE? Why is it that companies like the CAA and PACE cannot grasp the most simple and fundamentally act of respect of asking first before letting lose a mindless computer to automatically dial millions of cell numbers? The truth is that companies like the CAA and PACE want to neuter the TCA so that those that have not opted in have no privacy rights.

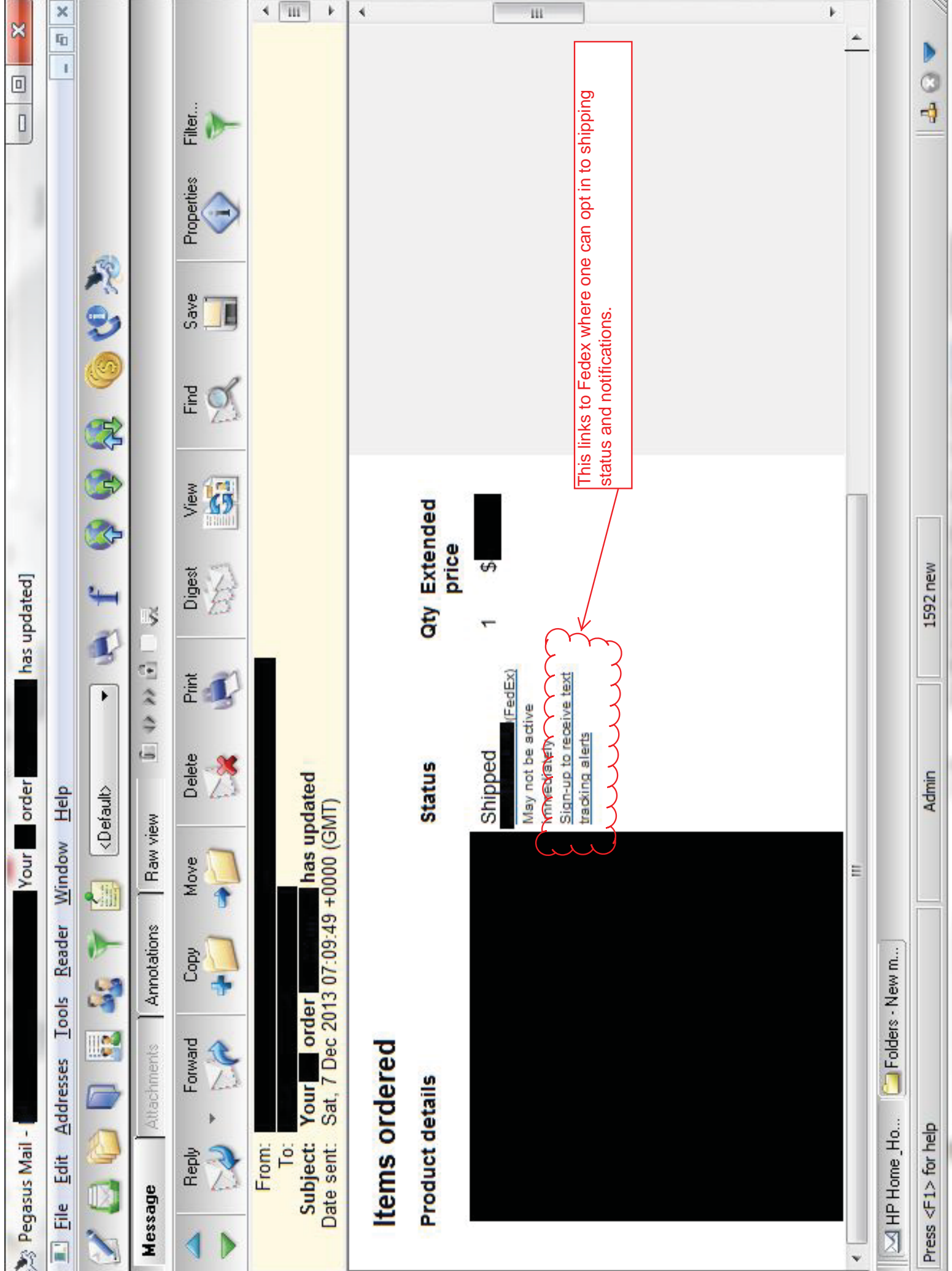
“Logic clearly dictates that the needs of the many outweigh the needs of the few.” Star Trek II: The Wrath of Khan (1982). Here CAA falls into the category of the few and their proposed exemption will benefit only the few. The fact remains that those that want package delivery notifications can easily opt in. Consequently, there is no justification for the proposed exemption.

CAA's proposal is just another attempt to neuter the TCPA with an unnecessary exemption. I trust the Commission will not create such an exemption.

Respectfully submitted,

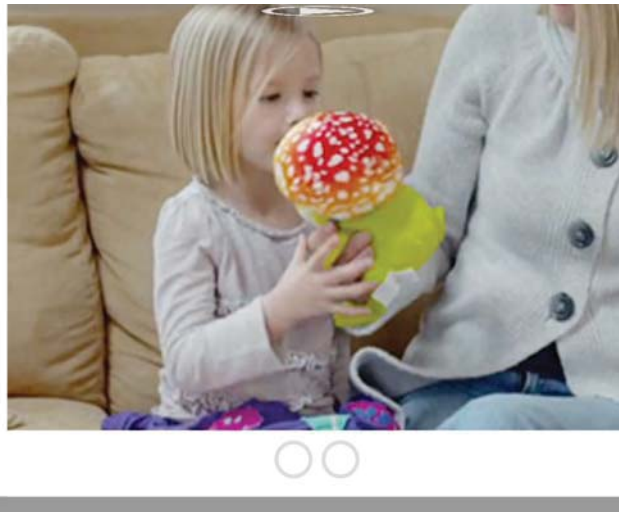
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Joe Shields
Texas Government & Public Relations Spokesperson for Private Citizen Inc.
16822 Stardale Lane
Friendswood, Texas 77546



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